

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES	)	
	)	
v.	)	Criminal No. 03-0203
	)	
EXTREME ASSOCIATES, INC.,	)	
ROBERT ZICARI, and JANET	)	
ROMANO	)	
Defendants.	)	

ORDER

Gary L. Lancaster,  
District Judge.

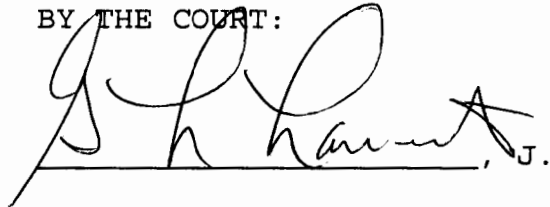
December 18, 2006

In connection with the parties' submission of pretrial motions and/or proposed jury instructions, the parties should be familiar with and prepared to address what effect, if any, the recent decision for the Court of Appeals for the Third Circuit in Conchatta, Inc. v. Miller, 458 F.3d 258 (3d Cir. 2006) has on this case.

Specifically, we direct the parties attention to that portion of the opinion in which the court of appeals determined that the term "lewd" in the Pennsylvania statute at issue was unconstitutionally vague and what appears to be the court of appeal's agreement with the district court that the terms "immoral" and "improper" are equally unconstitutionally vague.

Each of these are key terms in one or more of the statutes  
at issue here.

BY THE COURT:

A handwritten signature in dark ink, appearing to read "G. H. Hunt", followed by a horizontal line and the letter "J." to the right.

cc: All Counsel of Record